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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATION

New Delhi, the 16th January 1970

S.O. 232.—The following draft of certain scheme for the Dock Workers of the port of Calcutta, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 18th February, 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

THE CALCUTTA DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1970

1. Name of the Scheme.—The Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 (hereinafter referred to as "the Scheme").

2. Objects and application.—(1) The objects of the Scheme are to ensure—

- (i) greater regularity of employment for dock workers by maintaining an adequate, but not more than adequate number of dock workers;

- (ii) the achievement of efficiency of performance in dock work and attainment of satisfactory levels of productivity by the dock workers; and
- (iii) progressively, more and more full monthly employment for the dock workers under the registered employers and thus fulfil the ultimate objective of complete decasualisation of the workforce.

(2) The Scheme relates to the port of Calcutta within the limits specified in Schedule V and applies to the classes or descriptions of dock work and dock workers set out in Schedule I.

Provided that the Scheme shall not apply to any dock worker who is not specified in Schedule I.

(3) The Scheme shall apply to registered dock workers specified above and their registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in relation to any ship of the Indian Navy.

3. Interpretations.—In this Scheme, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under clause 5;
- (c) "Board" means the Calcutta Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (d) "Chairman" means the Chairman of the Calcutta Dock Labour Board;
- (e) "Chief Executive Officer" means Chief Executive Officer appointed by the Administrative Body under clause 13 of the Scheme;
- (f) "Deputy Chairman" means the Deputy Chairman of the Calcutta Dock Labour Board;
- (g) "daily worker" means a registered dock worker who is not a monthly worker;
- (h) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under item (e) of sub-clause (1) of clause 17;
- (i) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (j) "employers register" means the register of dock employers maintained under the Scheme;
- (k) "Labour Officer" means the Labour Officer appointed by the Administrative Body under sub-clause (1) of clause 14;
- (l) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (m) "Personnel Officer" means the Personnel Officer appointed by the Board under clause 6;
- (n) "Inspector" means Inspectors appointed by the Administrative Body under sub-clause (2) of clause 14;
- (a) "register or record" means the register or record of dock workers maintained under the Scheme;
- (p) "registered dock worker" means a dock worker whose name is, for the time being, entered in the register or record;
- (q) "registered employer" means an employer whose name is, for the time being, entered in the employers' register;
- (r) "reserve Pool" means a pool of registered dock workers who are available for work and who are not, for the time being, in the employment of a registered employer or a group of dock employers as monthly workers;
- (s) "rules" means the 'Dock Workers' (Regulation of Employment) Rules, 1962;

- (t) "vessel" means an ocean going vessel or ship whose gross registered tonnage is not less than 350 tons;
- (u) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

4. **Constitution of the Board.** The Board shall be constituted in accordance with rules 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962.

5. **Administrative Body.**—(1) The Central Government may by notification in the Official Gazette, appoint a body consisting of such employers of dock workers as the Central Government may nominate in this behalf to be the Administrative Body and from among the members so nominated one person shall be appointed as the President of the Administrative Body.

(2) The Central Government may for sufficient cause remove any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

(3) The Administrative Body shall, subject to the supervision and control of the Board and the Chairman and subject to the provisions of clauses 47 and 48 carry out the day-to-day administration of the Scheme.

(4) If a body consisting of employers of dock workers is not appointed as the Administrative Body or the Administrative Body is removed by the Government the Deputy Chairman shall then constitute the Administrative Body.

(5) (a) If the Deputy Chairman constitutes the Administrative Body, he may be assisted by an Administrative Superintendent in the discharge of his function under clause 12.

(b) The Deputy Chairman may, with the approval of the Chairman, delegate in writing to the Administrative Superintendent any of the function under clause 12 of the Scheme.

6. **Administrative Superintendent, Secretary, Personnel Officer and other Servants of the Board.**—The Board may appoint an Administrative Superintendent, a Secretary and a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit.

Provided that no post the maximum salary of which exclusive of allowances is rupees one thousand and above per month shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

7. **Functions of the Board.**—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for—

- (a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;
- (c) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such registers or records if the said review warrants the same for better efficiency and economy of operations;
- (d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body, and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or re-grouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body, and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) restricting the number of categories, in the event of new registrations, by having as much flexibility of employment of workers as possible;
- (h) making provisions for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (i) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (j) making provision for health and safety measures in place where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- (k) maintaining and administering a Provident Fund, and Gratuity Fund and Voluntary Retirement Fund for registered dock workers;
- (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers (including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the staff of the Board), and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any members to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper accounts to be kept on the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government—

- (i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March, together with an audited Balance Sheet; and
- (ii) copies of proceedings of the meetings of the Board.

8. Responsibilities and duties of the Board in Meeting.—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

- (a) fix the number of workers to be registered under various categories;
- (b) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
- (c) sanction the temporary registration of a specified number of workers in any category for a specified period under specified terms and conditions;
- (d) consider registration of new employers on the recommendation of the Chairman;
- (e) prescribe forms, records, registers statements, and the like required to be maintained under the Scheme;
- (f) determine the wages, allowances and other conditions of service and re-fix the guaranteed minimum wages in a month after annual review;

- (g) fix the rate of levy under sub-clause (1)(g) of clause 56;
- (h) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund.
- (i) appoint, abolish or reconstitute committees under clause 38;
- (j) sanction the Annual Budget;
- (k) appoint the Personnel Officer, the Secretary and the Administrative Superintendent;
- (l) subject to the provisions of clause 8, sanction the creation of posts and make appointments to such posts;
- (m) make recommendations to the Central Government about changes in Schedule I;
- (n) make recommendations to the Central Government about any modifications in the Scheme;
- (o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;
- (p) discuss statistics of output of labour and turn-round of ships and records its observations and directions; and
- (q) sanction the opening of accounts in such Scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.

9. **Annual Estimates.**—The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under sub-item (vi) of item (h) of clause 12, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

10. **Responsibilities and duties of Chairman.**—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) (i) to supervise and control the work of the Administrative Body or the Administrative Superintendent;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that proper and adequate supervision as laid down by the Board is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers, are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the output of labour and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;
- (j) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees six hundred per mensem and to make appointment to such posts;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;
- (l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;

- (m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (n) to declare 'a state of emergency' and to take action as authorised under the Scheme;
- (o) to make a report, when necessary, to the Central Government under rule 5 of the Dock Workers' (Regulation of Employment) Rules, 1962;
- (p) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the worker, as provided for in the Scheme;
- (q) to deal with appeals from workers and employers under clauses 51 and 52;
- (r) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to Central Government for approval; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) excepting those mentioned in items (j), (m), (n), (o), (q), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

11. Responsibilities and duties of the Deputy Chairman.—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge such functions relating to disciplinary action against registered employers and dock workers as permitted under clauses 47 and 48;
- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) function as Chairman of Committees of the Board of which he may be nominated a member;
- (d) preside over the meetings of the Board in the absence of the Chairman;
- (e) carry out the functions of the Administrative Body as laid down in clause 12, if the Administrative Body consisting of employers of dock workers is not constituted; and
- (f) make appointments to posts the maximum salary of which exclusive of allowances is not more than five hundred and seventy five rupees per mensem.

12. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body or where he is entrusted to discharge such functions, the President shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstance so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any registers or records of dock workers, who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme and to carry out recruitment in any category of dock workers as sanctioned by the Board from time to time;
- (c) discharge all functions relating to disciplinary action against registered dock workers to the extent permitted under clause 47 and 48;
- (d) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules of the Fund framed under clause 59;
- (e) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

- (f) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
- (g) the allocation of registered dock workers in the reserve pool who were available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of registered dock workers in the reserve pool;
 - (iii) keep the record of attendance at call stands or control points of registered dock workers;
 - (iv) provide for the maintenance of records of employment and earnings;
 - (v) subject to the allotment of work by rotation under sub-clause (3) of clause 31, allocate workers, in accordance with clauses 21 and 82, and
 - (vi) make necessary entries in the attendance and wage cards of workers in the reserve pool as laid down in clause 29;
- (h) The Administrative Body shall also be responsible for—
 - (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
 - (ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
 - (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
 - (iv) appointing, subject to budget provision, such officers and servants from time to time as may be necessary;

Provided that the creation of posts the maximum salary of which exclusive of allowances is above rupees five hundred per month and appointment of persons to such posts shall be subject to item (l) of clause 8 and item (j) of sub-clause (1) of clause 10.

 - (v) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance-sheet;
 - (vi) the framing of the budget annually, submitting the same to the Board on or before fifteenth day of February in each year and getting it approved by the Board;
 - (vii) maintaining complete service records of all registered dock workers;
 - (viii) authorising the employment of unregistered workers in case registered dock workers are not available for work in the reserve pool or in such other circumstances as the Chairman may approve;
 - (ix) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman;
 - (i) The Administrative Body may delegate in writing to the Chief Executive Officer, any of the functions and powers conferred upon it under clause 11, provided that such delegation shall not divest the Administrative Body of its powers.

13. Chief Executive Officer.—The Administrative Body when it consists of employers of dock workers may appoint a Chief Executive Officer representing the employers who shall have sufficient delegated powers from the employers to enable him to carry out effectively the day-to-day functions of administration. He shall be paid for by the Employers' Association, who shall also lay down his other terms and conditions of service.

14. (1) Labour Officer.—The Administrative Body, when it consists of employers of dock workers, shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that body consistent with the provisions of the Scheme, and shall in particular carry out functions vested in him under clauses 47 and 48.

(2) **Inspectors.**—The Administrative Body, when it consists of employers of dock workers, shall appoint an Inspector or Inspectors with the approval of the Board. The Inspector shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that body consisted with the provisions of the Scheme.

15. **Functions of the Personnel Officer.**—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out functions vested in him under clause 48.

16. **Officers appointed by the Central Government for proper working of the Scheme.**—(1) Notwithstanding the provisions of clauses 5, 6, 12 and 15, the Central Government may in its discretion appoint from time to time in consultation with the Chairman one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such Officer or Officers shall be subject to the general supervision and control of the Chairman, paid from the funds of the Board. He/They hold office for such period and on such terms and conditions as the Central Government may determine.

17. **Maintenance of Registers, etc.**—(1) **Employers' Register.**—(a) There shall be a register of employers, deemed to have been registered or registered, under item (b) or item, (c) as the case may be.

(b) In so far as the application of the Scheme to categories (a) to (k) of Schedule I is concerned, every employer of dock workers who on the date of enforcement of the Scheme is already registered or listed under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 or Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 shall be deemed to have been registered as an employer under this Scheme with regard to these categories of dock labour for which they had been registered or listed under the said 1956 or 1957 Schemes.

(c) Category (k) shall be employed by registered employers only. Persons or firms other than those who are deemed to have been registered under item (b) shall not be registered as employers unless the Board considers it expedient and necessary to do so and in no case shall a person or firm be registered unless he or it has been licensed in that behalf by the Calcutta Port Commissioners.

(d) If the license issued to an employer is not renewed by the Calcutta Port Commissioners for any reason, it shall automatically result in the name of the employer being suspended from the employers' register.

(e) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons registered under item (b) or (c) to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers; such group or groups of employers must also obtain a license from the Calcutta Port Commissioners in order to operate as employer of dock workers in the port;

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed in items (b), (c) and (d), as it may deem necessary from time to time;

Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and the said group shall stand dissolved from such date.

(2) **Workers' Register.**—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of workers shall be as under, namely:—

(i) **Monthly Register.**—Register of workers including Tally Clerks who are or may be engaged by such registered employer on contract on monthly basis are known as monthly workers. The Dock Foreman and the Hatch Foreman category of workers, however, shall only be on the monthly register. Their allocation under different employers shall be done by the Chairman in consultation with the Administrative Body. The criteria of such allocation shall primarily be the amount of business done by individual employers during the previous three years.

(ii) **Reserve Pool Register.**—Register of workers other than those on the monthly register is known as reserve pool register. In both the monthly and reserve pool registers the names of workers shall be arranged categorywise and as per seniority. There shall be no gangs of workers formed for the purpose of daily allocation to employers. The Dock Foreman and the Hatch Foreman categories shall not be permitted on the reserve pool register.

(iii) Full monthly employment of the workers under the registered employers being the ultimate objective of the Scheme, every endeavour should be made to take on more and more workers from the reserve pool to the monthly register. A minimum of 75 per cent of the total requirement of the workforce under the Scheme by the trade should be on the monthly register of the employers within two years of this Scheme being put into effect.

18. Classification of workers in Registers.—(i) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into:—

- (a) Deck Foreman
- (b) Hatch Foreman
- (c) Winchman
- (d) Sirdar
- (e) Mate
- * (f) Stevedore Mazdoor
- (g) Rigger
- (h) Tally Clerk.
- (i) Salt Worker, Bagger and Stitcher
- † (j) General Mazdoor (Corgo)
- ‡ (k) General Purpose Mazdoor

The Board may, if considered necessary for the efficient performance of work, further classify the workers of any category into sub-categories.

19. Fixation of Number of workers on the Register.—The Board shall, in consultation with the Administrative Body and subject to the approval of the Central Government periodically determine the number of workers required in each category and arrange to adjust the worker registers accordingly. The Administrative Body shall, in accordance with the decision of the Board, arrange to register or de-register the workers with the least possible delay. The procedure for de-registration shall be separately laid down by the Board.

20. (1) Registration of existing and new workers.—(a) Any dock worker who, on the date of the commencement of the Scheme, is already registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 or listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957, shall be deemed to have been registered under the Scheme.

(b) Tally Clerks who on the commencement of the Scheme are in permanent employment of—

- (i) Shipping Companies; or
- (ii) Shipping agents; or
- (iii) Contractors of Tally Clerks or
- (iv) Stevedores,

on a monthly salary basis shall not be registered, but they can work without being registered.

*This will cover the stevedore workers registered as Khamalies and Relias under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.

†This will include the XBG and TBG workers listed temporarily with the 1957 Scheme. Their functions and mode of employment are given in Schedule IV, annexed hereto.

‡This will mean the workers who have hitherto been working in the docks as cleaning gang workers, markmen, gannymen and carpenters (coopers). The nature of duties performed by them has been laid down in Schedule III annexed hereto.

Tally Clerks on monthly employment who are being retrenched/have been retrenched by the registered employer/stevedore and were previously registered under the 1951 Scheme would be eligible for registration and absorption in the Reserve Pool as fresh entrants provided they are below 60 years in age.

(2) **Registration of new categories of workers and fresh registration in the categories under Schedule I of Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 and Schedule I of Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 (excepting chipping and painting and coal stevedoring and coal bunkering workers):**

(a) **Fixation of numbers.**—The fixation of number of workers in the category that may be registered after introduction of the Scheme shall be done by the Board in consultation with the Administrative Body who shall carry out for this purpose a thorough investigation in order to arrive at an estimate of the number of workers in that category that will be necessary to meet the requirements of the trade. The number to be registered as determined by the Board shall be subject to approval by the Central Government.

(b) **The principal and procedure of selection of workers for registration.**—(i) There shall be a provisional registration based on anticipated requirements as determined by the Board and approved by the Government and the mere fact that a worker had been working before in the port shall not automatically entitle him to registration.

(ii) For the purpose of selection of workers for registration from among claimants, a list of names of those that continuously held permanent or monthly dock permits issued by the port authorities should be prepared under the following 3 classifications and arranged in the same order—

- (a) those having permits for 1½ years or more;
- (b) those having permits for 1 year but less than 1½ years; and
- (c) those having permits over 6 months but less than 1 year.

From the list thus prepared the names of those who do not appear in the stevedores' roll for such workers (maintained since August, 1963) shall be removed. Registration shall be done serially from the final list thus prepared.

Fresh registration in the categories under Schedule I of the Calcutta Dock Workers (Regulation of Employment) Scheme 1956 and Schedule I of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall be done by selection from amongst workers registered with the local Employment Exchange.

(iii) Only Indian Nationals who are within the age limits as specified in clause 20A and are medically fit shall be eligible for registration.

(c) After the provisional registration has been completed, the booking in rotation within the number so registered shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.

(d) A reassessment of the requirements shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. Thereafter the following benefits shall be extended to the workers:—

- (i) payment of attendance allowance;
- (ii) holiday wages for port closed days only; and
- (iii) sick and casual leave as under the Scheme.

(e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 33 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.

(f) The minimum number of days in a month for which wages are guaranteed under clause 33 to categories of workers previously registered under the Calcutta Dock Workers (Regulation of Employment) Scheme 1956 shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item (e).

(g) The wages of the workers in categories which may be registered after the date of commencement of the Scheme, shall be such as may be fixed by the Board from time to time.

(3) The masters of the ships may engage crew of the ship for rigging and fitting of derricks and for carrying out all the functions and duties as laid down in Schedule III. The shipping companies who have workshop establishments and who have been employing before the 1st August, 1955 their workshop staff for rigging and fitting of derricks may also be permitted to continue to do so. In all other cases registered Riggers or General Purpose Mazdoors only shall be employed for such work and on requisition made by registered employers.

(4) The Board may from time to time permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify. De-registration after the specified period shall be done by the Administrative Body as per terms and conditions of such temporary registration laid down by the Board.

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 34 and shall have the same obligations as registered dock workers in the reserve pool.

(5) Any fresh recruitment, whether on a temporary or permanent basis, in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the date of the requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made. The upper age limit in all such recruitment shall be 25 years:

Provided that in the case of ex-service personnel the upper age limit may be relaxed upto 45 years by the Dock Labour Board.

(6) A monthly or registered dock worker shall retire on attaining the age of 58 years, provided that such a worker can continue to be in employment upto the age of 60 years subject to annual medical examination and obtaining a certificate that he continues to be physically fit for the work he is doing.

(7) New workers registered under item (b) of sub-clause (2) will be on probation or a period of three months before being placed on a permanent basis on the registers.

(8) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the register:

Provided that before giving any such directions, the Board shall give him an opportunity of showing cause why the proposed direction should not be issued.

Clause 20-A.—Age of Entry and Retirement.—(1) For categories (a) to (h) in Schedule I already registered with the Board, the age of retirement shall be 60 years as in the 1956 Scheme. The age of entry for future entrants into these categories shall be 25 years and their age of retirement shall be 55 years.

(2) For categories (i) and (j) who are being inducted into the Scheme from the 1957 Listing Scheme, the age of entry shall be below 55 years and the age of retirement shall be 55 years.

For future entrants into these categories subsequent to the registration of the existing workers of the 1957 Listing Scheme, the age of entry shall be 25 years and the age of retirement shall be 55 years.

For category (k) and any other category that are already in the employment of dock industry and may come under the Scheme at a later date, the age of entry at the time of initial registration shall be below and the age of retirement 55 years.

For all subsequent entries to these categories that shall be done from the local Employment Exchange under clause 20(5), the age of entry and retirement shall be 25 years and 55 years respectively.

21. Promotion and transfer of workers.—(1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy, other than a casual vacancy in any category of monthly workers, may be filled only by promotion from lower categories of monthly workers in the same gang or, if no person is suitable for promotion from lower categories of monthly workers in the same gang, by transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers.

***Explanations.**—The criteria for promotion shall ordinarily be—

- (a) merit and fitness for work in the category to which promotion is to be made, and
- (b) record of past service,
- (c) seniority.

NOTE.—A transfer from the Reserve Pool register to the monthly register in the same category or *vice-versa* shall not be deemed a promotion.

(3) The Chairman or the Deputy Chairman may, for sufficient and valid reasons, allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker as the case may be explaining fully the reasons for the transfer.

Provided that transfer in respect of a monthly worker to reserve pool shall be subject to fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment;

Provided further that no Deck Foreman or Hatch Foreman can be transferred to the reserve pool but may for sufficient reason be temporarily or permanently transferred from one employer to another by the Chairman or the Deputy Chairman in consultation with the Administrative Body.

(4) If the services of a monthly worker are terminated by an employer for an act of indiscipline or misconduct, he may apply to the Board for employment in the reserve pool. The Deputy Chairman on behalf of the Board, shall then decide on the merits of the case whether or not the worker should be employed and if so, whether in the same or a lower category.

(5) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (3) or sub-clause (4), as the case may be, his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave and gratuity that may be due to him on the date of such transfer.

(6) The Chairman and the Deputy Chairman in consultation with the Administrative Body may allocate from time to time such number of reserve pool workers to the monthly registers of the employers as they may deem necessary in keeping with the objective of progressive and full decasualisation of the workforce. The monthly registers of the employers shall, for this purpose, be subjected to an annual review by the Board.

(7) If a reserve pool worker is transferred to the monthly register, his previous service shall be reckoned for all benefits other than Provident Fund in the monthly register and the Board shall transfer to the monthly employer all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

22. Medical Examination.—(1) A new worker, including any worker listed under the Calcutta unregistered Dock Workers (Regulation of Employment) Scheme 1957, before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request,

the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary, a worker shall undergo, free of charge, a medical examination by a Medical Board to be constituted by the Chairman. The Chairman shall have authority to terminate the services of a worker found unfit by the Medical Board. The decision of the Medical Board will be final.

23. Facilities for Training.—The Board shall make provision for training of suitable registered workers in the duties of Winchmen and Riggers, Carpenters or in any other duties like signalling that it may be necessary.

24. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme.

25. Supply of Cards.—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely—

- (i) Identity Card.
- (ii) Attendance Card.
- (iii) Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

26. "Service Record" for registered workers.—A "service record" for every daily worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, such as a complete record of disciplinary action taken against the worker, promotions and commendations for good work. Such details in respect of monthly workers shall be maintained by the registered employers.

27. "Record Sheet" for registered employers.—The Personnel Officer shall maintain a "record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employers.

28. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following circumstances, namely—

- (a) when proceeding on leave for three days or more;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended; or
- (e) on death;

Provided that the employer of monthly worker will also surrender the card of the worker to the Administrative Body in case of (a), (b), (c), (d) and (e).

29. Entries in Attendance Card and Wage Card.—(1) A registered dock worker in the reserve pool shall hand over his Attendance Card and Wage Card to the Administrative Body at the time he is allocated for work to a registered employer unless any of the cards has already been deposited with the said Body previously and has not been returned to the worker. The Administrative Body shall arrange to make necessary entries in the Attendance Card and the Wage Card in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

(2) A monthly worker shall hand over his Attendance Card and Wage Card to his employer at the time when he is allotted work on a ship unless any of the cards has already been deposited with the employer previously and has not been returned to the worker. The said employer shall make necessary entries in the cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

30. Employment of workers.—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on monthly register in a particular category is not sufficient for the work available, the workers on the reserve pool register in that category shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman

31. Employment in shifts.—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the monthly register shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally a worker in the reserve pool shall not be employed for more than 8 shifts in a week, but when a worker in the monthly register who has not reached the maximum limit of employment defined in item (b) is not available, a reserve pool worker may be employed upto 9 shifts in a week or 33 shifts in a month.

The same restrictions regarding employment as in (b) shall apply in the case of registered Tally Clerks or Tally Clerks authorised to work without registration under item (b) of sub-clause (1) of clause 20.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Allotment of workers in rotation shall always be on individual basis. Where work is carried on by gangs, the same shall be formed at the place of work from workers allotted.

32. Filling up of Casual vacancies [categories (d), (e) and (f) only].—(1) Casual vacancies of monthly workers shall be filled up in accordance with the following rules:—

(i) Where a Sirdar is absent, the vacancy shall be filled up, in the following order, by—

- (a) from amongst unbooked Sirdars of the monthly workers belonging to the same employer or group of employers;
- (b) failing (a), from amongst unbooked Sirdars of the reserve pool;
- (c) failing (b), from amongst unbooked Mates of the monthly workers belonging to the same employer or group of employers;
- (d) failing (c), from amongst unbooked Mates in the reserve pool;

(ii) Where a Mate is absent, the vacancy shall be filled up, in the following order, by—

- (a) from amongst unbooked Mates of the monthly workers of the same employer or group of employers;
- (b) failing (a), from amongst unbooked Mates of the reserve pool.

(iii) Vacancies of stevedore mazdoor shall be filled from amongst unbooked workers of the same category in the reserve pool.

(2) Daily shortages in the reserve pool shall be met in the following manner—

- (a) in the case of a Sirdar, the requirement shall be met by promoting for the day/shift the seniormost Mate on turn as a Sirdar.
- (b) in the case of a Mate, the requirement shall be met by promoting for the day/shift the seniormost stevedore mazdoor on turn.

33. Guaranteed Minimum Wages in a month.—(1) A worker in the reserve Pool register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs or to such other category as may be

decided by the Board, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be:—

- (a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or
- (b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days for which wages are guaranteed may be fixed by the Board for each year on the following basis,

- (a) for categories (d), (e), (f) and (g).—the monthly average employment obtained by the workers in the reserve pool in the category of stevedore Mazdoor during the preceding year;
- (b) for categories (c), (h), (i), (j) and (k).—the monthly average employment obtained by the workers of each of these categories in the reserve pool during the preceding year;

Provided that the number so fixed shall not in any case be less than 12 or more than 21;

Provided further that workers already registered with the Calcutta Dock Workers (Regulation of Employment) Scheme 1956 or listed permanently under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 shall continue to enjoy minimum guaranteed wages for 21 days and 18 days respectively.

NOTE.—The method of assessing the average employment is detailed in Schedule II.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to the General Purpose Mazdoor or any new category of workers that may be registered after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under paragraph (e) of sub-item (ii) of item (b) of sub-clause (2) of Clause 20. The annual re-fixation of the minimum number of days, as under sub-clause (2) shall be done independently in their case also.

Explanation I.—In sub-clauses (1), (2) and (3) of the clause a “day” shall mean a “shift”.

Explanation II.—For the purpose of this clause, the expression ‘month’ shall not include the days of weekly off.

34. Attendance Allowance.—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance exclusive of dearness allowance, at the rate of rupee one and paise seventy-five per day for the days on which, during a monthly wage period, he attended for work as directed by the Administrative Body and no work was found for him;

Provided that the Board may allow payment of attendance allowance exclusive of dearness allowance at such higher rate not exceeding rupees two as it may deem necessary;

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 33 or for which disappointment money has to be paid under clause 36.

25. Employment for a shift.—No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period.

36. Disappointment Money.—(1) When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is

relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the, time-rate wage, inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full time-rate wages inclusive of dearness allowance.

(2) Notwithstanding the provisions contained in sub-clause (1) the Board may prescribe a different rate of disappointment money and the conditions under which it is to be paid.

37. Holidays.—Each worker shall be entitled to 8 holidays in a year with pay at such rates as may be prescribed by the Board under clauses 43 and 44 including all such days, which shall not exceed 6 in a year, as are declared by the Board as closed holidays. Any payment made under this clause shall be exclusive of the payment calculated under clause 33.

38. Committees.—The Board may appoint one or more Committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a Committee, such co-opted members, however, shall not have any right to vote.

39. Obligations of registered dock workers.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points—

(i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour as may be specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body;

(c) accept and agree to work under the provisions in Schedule VI annexed or any other such incentive scheme that may in future be introduced by the Board; and

(d) accept and agree to a transfer to the monthly register of any registered employer to whom he might be allocated by the Chairman or the Deputy Chairman.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

(6) No registered dock worker or workers shall take any grievance or industrial dispute for arbitration, adjudication or conciliation under the existing Government machinery without first referring the same to the Board for settlement.

40. Obligations of registered employers.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 30 and the relaxation given in sub-clause (2) of clause 20, a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of item (g) of clause 12.

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of the tonnage handled by workers on piece-rate and such other statistical data as may be required in respect of the registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under sub-clause (1) of clause 56 and the gross wages due to daily workers.

(ii) A registered employer shall make payments as contributions to the Dock Workers Welfare Fund under clause 59.

(iii) A registered employer shall pay to the Board the monthly Provident Fund subscriptions recovered from the wages of the workers and the contribution by the Registered Employers thereon, repayment of Provident Fund loan and interest on Provident Fund loan within 15 days from the date of each recovery. The cost of maintaining the Provident Fund amounts of the monthly workers shall be defrayed by payments to the Board made by the registered employers in such manner and on such basis as might be fixed by the Board from time to time.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

(7) Every registered employer shall maintain such gears, supervisory staff and other personnel and carry out such minimum business per annum as may be specified in the licence for stevedoring to be issued by the port authorities.

(8) A registered employer is permitted to use registered workers for the descriptions of stevedoring work specified in the Scheme only under a direct stevedoring appointment with the Ship-owners, Shipping Companies, Steamer Agents or Masters of ships. The Board may at any time demand production of such appointment documents pertaining to work on any ship, from any registered employer for the purpose of verification.

(9) In keeping with the objects of the Scheme and in accordance with sub-item (iii) of item (b) of sub-clause (2) of clause 17, every registered employer is expected to maintain at least 75 per cent of his total requirement of workforce under the Scheme on his monthly register. With this end in view, the registered employer shall agree to accept such additional allocation of labour from the pool to his monthly register as the Chairman or the Deputy Chairman may decide from time to time in consultation with the Administrative Body.

(10) No registered dock employer shall take any grievance or industrial dispute for arbitration, adjudication or conciliation under the existing Government machinery without first referring the same to the Board for settlement.

41. Restriction on employment:—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage, subject to the relaxation given in sub-clause (5) of clause 20, for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work, the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange Organisation shall, as far as possible, be consulted:

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible, shall report to the Chairman within 24 hours

the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

- (b) in the case referred to in item (a), the person so employed as aforesaid by a registered employer shall, for the purposes of sub-clauses (4), (5) and (6) of clause 40 and clauses 43 and 44 be treated in respect of that dock worker as if he were a daily worker.

(3) A registered worker in the reserve pool may, provided he fulfils fully his obligations under clause 39, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

42. Circumstances in which the Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

43. Wages, allowances and other conditions of service of certain classes of workers.—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered worker (whether in the reserve pool or on the monthly register) not being a worker to whom the provisions of clause 44 apply, and a registered employer that—

- (a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers from time to time; and
- (b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the payment of Wages Act, 1936.

44. Wages, allowance and other conditions of service of workers in categories in Scheme I. (1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker in the categories in Schedule I and a registered employer that the rates of wages, allowances and overtime, hours and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers subject to the provisions of sub-clauses (2), (3), (4), (5) and (6).

(2) The Board shall accept and implement the provisions in Schedule VI or any other scheme that may hereafter be framed and approved by the Central Government.

(3) With regard to future Scheme, the Board shall appoint a Committee consisting of representatives of registered employers, shipping companies, workers and the Port Authority and a nominee of the Central Government to determine the norms for output in respect of cargoes of different kinds, and/or Lines and/or Zones. If the Committee is not able to prescribe agreed norms within a period of two months, of having been asked to do so, the Chairman of the Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers. The same procedure shall be followed if and when a revision of the norms is considered necessary by the Board.

(4) The Board shall by regulations relate the wages earned to the actual output of workers as specified in Schedule VI. The regulations for any future scheme shall be submitted to the Central Government for approval before implementation.

(5) A worker on the monthly register shall draw wages on a calculated daily time-rate basis for the days for which he is entitled to payment but is not allotted any work.

(6) The fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936

(7) Notwithstanding the provisions contained in sub-clause 3, the Central Government may, if it so decides, set up such other body as it may deem fit for re-viewing the Scheme or any part thereof. The decision of the Central Government on the recommendations of the said body shall be final and binding.

45. Wages, allowances and other conditions of service of Deck Foreman and Hatch Foreman.—The Board shall lay down wages, allowances and other conditions of service of Deck Foreman and Hatch Foreman, who are directly employed by the employers.

46. Pay in respect of unemployment or under-employment. (1) Subject to the conditions set out in this and the next following clause, when in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 33, 34 and 36.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the cash stands or control points; and
- (b) his attendance was recorded.

47. Disentitlement to payment.—(1) A registered dock worker who while in the reserve pool fails without adequate cause to comply with the provisions of item (a) or (b) of sub-clause (4) of clause 39, or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of sub-clause (5) of clause 39 or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and, whether or not he is so returned may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance and Wage Cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker and the Administrative Body that he is satisfied that the registered dock worker has failed to comply with lawful order as aforesaid, the registered dock worker shall not be entitled to any payment or to such part of any payment under clause 46 as the Labour Officer thinks fit in respect of the wage period in which failure occurred or continued:

Provided that the registered dock worker will be given an opportunity of showing cause before the Labour Officer takes any decision under this sub-clause.

48. Disciplinary Procedure.—(1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter give him a warning in writing, or

(ii) where in his opinion, a higher penalty is merited, he shall report to the Deputy Chairman, who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer that is to say, he may—

- (a) censure him and record the censure in his record sheet, or
- (b) subject to the approval of the Board and after one month's notice in writing to the registered employer, inform the Administrative Body that the name of the employer shall be removed for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing by the employer to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such periods as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 46 in respect of the wage period in which such failure, commission or misconduct occurred or continued;
- (b) give him a warning in writing; or

(c) suspend him without pay for a period not exceeding three days.

The employer may also report the matter in writing to the Inspector-on-duty who after spot inspection and investigation report the matter immediately to the Labour Officer for detailed enquiries and further action.

(3) (a) Where in a case reported to him under sub-clause (2) the Labour Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the President, Administrative Body, who after preliminary investigation of the matter shall pass orders thereon subject to provisions of sub-clause (5) whether the worker should, pending final orders remain suspended or not;

(b) where a worker has been suspended by an order under item (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 34 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the President, Administrative Body may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 34 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during a particular period.

(4) Where, in the opinion of the Labour Officer a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the President, Administrative Body.

(5) On receipt of the written report from the Labour Officer under sub-clauses (3) and (4) that a registered dock worker in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the President, Administrative Body may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

(a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 46 in respect of the wage period in which such failure, commission or misconduct occurred or continued;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months.

(6) If in the opinion of the President, Administrative Body a higher punishment than that provided under clause (5) is merited, he shall report the case to the Deputy Chairman.

The Deputy Chairman may make or cause to be made such further investigation as he may deem fit and thereafter take one of the following steps as regards the worker:—

(a) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(b) dismiss him.

(7) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(8) Notwithstanding anything contained in this clause and in clause 47, the powers vested in the authority in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the

authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf :

TABLE

Authority empowered to take action	Power given under	Authority empowered to take action, in specified cases
1	2	3
1. Labour Officer	Clauses 47 and 48	President Administrative Body.
2. Personnel Officer	Clause 48	Deputy Chairman or Chairman.
3. Deputy Chairman.	Clause 48	Chairman.

49. Special Disciplinary powers of the Chairman.—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman.

(i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and

(ii) in the case of registered dock workers in the reserve pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action where the 'go-slow' is resorted to by a worker or a group of workers, against the worker or workers concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any group of workers, such worker or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or group of workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 34 or one-fourth of his daily wage including dearness allowance, whichever is greater:

Provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 34 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

50. Termination of employment.—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board has been terminated under sub-clause (1) or (2) his name shall forthwith be removed from the register or record by the Administrative Body.

51. Appeals by workers.—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table may prefer an appeal against such order to the authority specified in column (3) of the said Table:

TABLE

Authority passing order	Order made under	Appellate Authority
1	2	3
Labour Officer.	Clause 47 or 48	President, Administrative Body.
President, Administrative Body	Clause 47 or 48	Deputy Chairman.
Deputy Chairman.	Clause 47 or 48	Chairman.

(2) A worker who is aggrieved by an order—

(i) placing him in a particular group in the register or record; or

(ii) refusing registration under clause 20; or

(iii) requiring him under item (b) of sub-clause (4) of clause 39 to undertake any work which is not of the same category to which he belongs; may prefer an appeal to the Chairman.

(3) Any dock worker who is aggrieved by an order under sub-clause (4) of clause 21 may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred in sub-clause (1), (2), (3) or (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final and conclusive:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

52. Appeals by Employers.—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under item (i) of sub-clause (1) of clause 48 may appeal to the Deputy Chairman, whose order shall be final and conclusive and there shall be no appeal against it.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under item (ii) of sub-clause (1) of clause 48, he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under sub-item (a) of item (ii) of sub-clause (1) of clause 48 shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under sub-item (b) of item (ii) of sub-clause (1) of clause 48, the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore who has been refused registration under item (c) of sub-clause (1) of clause 17 may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 48, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of registered employers of which he is a member or by a registered employer.

53. Power of revision of the Chairman and the Deputy Chairman.—Notwithstanding anything contained in this Scheme, the Chairman, in the case of an order passed by the Deputy Chairman under clause 48, or the Deputy Chairman, in the case of an order passed by the Personnel Officer or the President, Administrative Body under the said clause, may at any time, call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer or the President, Administrative Body has passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he thinks fit.

Provided that the Chairman or the Deputy Chairman shall not pass an order under this clause prejudicially to any person without giving him a reasonable opportunity of being heard.

54. Stay of order in case of certain appeals.—Where an appeal is lodged in accordance with the provisions of clause 51 or 52, the appellate authority may suspend the operation of the order under appeal, pending the hearing and disposal of the appeal.

55. Special provisions for action in an emergency.—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, 'go-slow' or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against the worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 46;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 34 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 34 had he not been suspended, provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered workers directly.

56. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as or earlier than the payment of gross wages due from him under item (1) of sub-clause (5) of clause 40, as the Board may, from time to time, prescribe by a written notice to registered employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. The Board may also require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine:

Provided that, where wages are payable to workers at an interval of less than a month, the Board may at its discretion allow the amounts, other than gross wages, payable under this sub-clause to be paid monthly by such time as the Board may prescribe in this behalf.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in the like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wage bill calculated on the basis of the daily time rate wage without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish, from time to time, to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) or under item (iii) of sub-clause (5) of clause 40 or any other amount due and payable to the Board in any other capacity or account within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer until he pays his dues. If the employer fails to pay his dues within 45 days of the date of issue of the notice, his name shall be liable to be removed from the employers' register.

57. Arrears of dearness allowance, wages and other Allowances.—In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any Board or Body set up, or of any order made, by the Central Government, the Board may, out of its funds, pay the registered workers arrears upto the

date of the award or, as the case may be, of the recommendation or order, if the Board so decides.

58. Provident Fund and Gratuity.—(1) The Board in respect of the registered workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary.

(2) The Board shall frame rules for payment of gratuity of registered workers.

(3) The Board shall, if necessary, make suitable provision for a Voluntary Retirement Fund and shall frame rules for operating the same.

59. Dock Workers Welfare Fund.—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained and operated by the Administrative Body. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of, the Fund. In framing such rules, the Board shall provide for the association of workers' representatives with the formulation and implementation of the welfare measures. The day-to-day administration of the welfare measures should, however, be left to the Administrative Body.

60. Industrial Relations.—The Board shall take suitable and effective steps to set up such machinery as it may deem fit to maintain cordial and amicable industrial relations between the employers and the workers under the Scheme. All matters of industrial disputes as between the registered employers and the registered workers under the Scheme shall be referred to the machinery set up by the Board for this purpose. Disputes arising out of all matters concerning the employment of a worker in the Scheme that are specified as the functions and responsibilities of the Board, shall be referred to the Board for settlement and for this purpose, all these matters shall be excluded from the purview of the Industrial Disputes Act, 1947.

61. Penalties.—A contravention of clause 41 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

62. Repeal and savings.—(1) The Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, is hereby repealed:

Provided that any order made, right accrued, penalty incurred or anything done or any action taken under the said Scheme shall so far as may be deemed to have been made, accrued, incurred or done or taken under this Scheme and any reference in any instrument to any provision of the said Scheme shall be deemed to be a reference to the corresponding provision of this Scheme.

(2) Notwithstanding anything contained in sub-clause (1), on the constitution of the Board under clause 4 of this Scheme (hereinafter referred to as the 'New Board')—

- (a) the term of office of the members of the Board constituted under the said Scheme shall expire;
- (b) all property and assets vesting in the Board constituted under the said Scheme shall vest in the New Board;
- (c) all rights, liabilities and obligations of the Board constituted under the said Scheme shall be the rights, liabilities and obligations respectively of the New Board.

SCHEDULE I

[See clause 2 (2)]

Classes or descriptions of dock work and dock workers to which the Scheme applies:—

- (1) Stevedoring work (other than coal), salt, passenger baggage and mail work.

(2) The following categories of stevedore workers:—

- (a) Deck Foreman.
- (b) Hatch Foreman.
- (c) Winchman.
- (d) Sirdar.
- (e) Mate.
- (f) Stevedore Mazdoor.
- (g) Rigger.
- (h) Tally Clerk.
- (i) Salt Worker, Bagger and Stitcher.
- (j) General Mazdoor (Cargo).
- (k) General Purpose Mazdoor.

SCHEDULE II

[See clause 33]

The minimum number of days in a month for which wages are guaranteed should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure :

- (a) The total number of man-shifts worked every month by Khamalies and Rolias including leave reserve workers in the reserve pool should be recorded.
 - (b) The effective strength of Khamalies and Rolias including leave reserve workers in the Reserve Pool on all the working days of the month should be recorded.
- | | | |
|--|--|---|
| <p>The effective strength of Khamalies and Rolias including leave reserve workers in the Reserve Pool on a particular working day shall be</p> | <p>The number of Khamalies and Rolias including leave reserve workers on the Reserve Pool register on that day</p> | <p>Number of Khamalies and Rolias and leave reserve workers in the Reserve Pool on authorised or unauthorised leave plus number of workers in these categories who died or whose services were terminated on that day</p> |
|--|--|---|
- (c) The effective strength of Khamalies and Rolias on all the working days in a month obtained under (b) above should be added up and divided by the number of working days in the month to yield the effective strength of these workers during the month.
 - (d) (a) should be divided by (c) to yield the average employment per worker per month in these categories.
 - (e) The averages obtained under (d) above for 12 consecutive months should be added up and divided by 12. The average so obtained shall be fixed as the minimum guarantee for the next 12 months.

For clarification, an example is given below :

Suppose that an assessment is made in June, 1956 and suppose the effective strength of Khamalies and Rolias and leave reserve workers in the

Reserve Pool and the man-shifts worked by them during the period June, 1955 to May, 1956 are as shown under columns (2) and (3) of the Table below :—

TABLE

Month	Effective strength	Total No. of manshifts worked	Average employment per worker per month
(1)	(2)	(3)	(4)
June 1955	3900	46,800	12
July 1955	3800	49,400	13
August 1955	3700	55,500	15
September 1955	3800	60,800	16
October 1955	3600	57,600	16
November 1955	4000	68,000	17
December 1955	3700	62,900	17
January 1956	3800	49,400	13
February 1956	3900	54,600	14
March 1956	3600	54,600	15
April 1956	3500	56,000	16
May 1956	3800	64,600	17

Column (3) divided by column (2) will show the average employment per worker per month and this is shown in column (4) of the Table.

The minimum number of days in a month for which wages should be guaranteed during the period June, 1956 to May, 1957 will be

$$12 + 13 + 15 + 16 + 16 + 17 + 17 + 13 + 14 + 15 + 16 + 17 = 15.08$$

After rounding to the nearest day = 15 days.

Although this average has been calculated for the lowest categories of workers only, it will apply to all the categories of stevedore labour, namely, Winchman, Sirdar, Mate, etc. If a new category of workers is registered, the minimum guarantee for this category to start with will be determined as has been provided in the principles relating to the registration of new categories of workers mentioned in clause 20(2) of the Scheme.

Similar calculation should be made in June, 1957 and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

SCHEDULE III

Duties and Functions of the General Purpose Mazdoor—The types of dock work that a general purpose mazdoor may be called upon to perform are mainly the following :—

- Cleaning of cargo holds or tanks, beams, decks, tunnels, alleyways or any other part of the ship required to be cleaned.
- Collection of cargo sweepings aboard ships or ashore, filling them in bags or other packings and removal or handling of same.
- Handling, supplying and laying of dunnage wood, matting, pallets or any other cargo-separation media.
- Handling of gunny bales (used for supply of empty gunnies for bagging of bulk cargo on board or ashore) including opening of bales and distribution of gunny bags to different work points on board a vessel or in a shed.
- Writing by hand or by stencil of import and export packings with stencil or paint mark either on board a ship or ashore.

- (f) Fixing or dismantling of all temporary wooden or metal structures or fixtures used for stowing or unstowing of cargo. Repairing, coopering of all cargo packing whether on board or ashore or in cargo lighters working alongside.
- (g) Any other work of general nature connected with the loading and unloading operation of a vessel, which is not the scheduled work of any other specific category of dock workers, as and when required by the employers.

SCHEDULE IV

General Mazdoor (Cargo).

These workers shall serve to fill the shortfall in demands of Baggers, Stitchers, Salt workers, Stevedore Mazdoor or Riggers as and when they occur and shall be deployed in accordance with any rules that may be framed by the Board in this regard. This category shall all be in the Reserve Pool.

SCHEDULE V

Limits of the Port of Calcutta to which the Scheme applies:—

On the North.—A line drawn due east across the river Hooghly from a pillar at the southern boundary of Messrs. D. Waldie and Co.'s Chemical Works and Distillery at Konnagar in the district of Hooghly on the right bank of the river to a pillar on the left bank of the river near Panihati in the district of the 24-Parganas.

On the South.—A line drawn from a masonry pillar placed at the mouth of the Budge-Budge Khal to a pillar on the right bank (Howrah side) of the river Hooghly, bearing north west of the first named pillar.

(As per Government of Bengal Notification No. 13-Marine dated 14th February, 1929)

SCHEDULE VI

'Payment by Result' Scheme as approved by the Central Government.

PAYMENT BY RESULT SCHEME FOR DOCK WORKERS OF THE PORT OF CALCUTTA

1. The Scheme shall apply only to the categories of workers as detailed below:—

- (i) Sirdars, Winchmen and Gang Workers, registered under the Calcutta Dock Workers (Regulation of Employment) Scheme 1956.
- (ii) Sirdars Supervisors, Stitchers and Baggers, Chamachiyas and Silcemen listed and temporarily listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957.

2. Processing Wage.

The processing wage of the different categories of workers will be:

(a) For workers under Clause 1. (i):

Categories	Processing Wage.
	Rs.
Winchman	5.75
Sirdar	8.25
Mate	6.25
Khamali	5.75
Rollia	4.81

(b) For workers under Clause 1. (ii):

Categories	Processing Wage
	Rs.
Sirdar/Supervisor	11.00
Stitcher	6.00
Bagger	4.75
Silceman	5.75
Chamachiya	5.12

3. Manning Scale :

(i) Only one stevedoring gang (consisting 1 Sirdar, 1 Mate, 4 Khamalias and 3 Rollas) will be employed per hook irrespective of the weight of cargo on the hook.

(ii) For each hook requiring Baggers and Stitchers of bulk cargo, the following workers will be booked:—

Sirdar Supervisor	.. 1
Baggers	.. 8
Stitchers	.. 4

(iii) *Relieving Winchmen*.—One additional Winchman will be provided to relieve every six working Winchmen. The relieving Winchman/men will be paid the average of the piece-rate wages of the Winchmen relieved.

(v) If on any shift the number of workers reporting for work is below full strength and if the vacancy cannot be filled, the wages as determined under Clause 6 of the unfilled categories shall be divided amongst those present.

(v) When Slicemen and/or Chamachiyas are engaged as bagging in handling bulk cargoes they will be entitled to the processing wage of their respective categories.

4. Unit of performance for all shifts:

Types of Cargo	Tonnes
1. Bag cargo all type including food	55
2. Jute Gunnies or Jute products.	50
3. Iron all types including unfabricated Steel, Scrap Iron.	50
4. Pig Iron.	55
5. Tea.	37
6. Tea (palletised).	70
7. Fertiliser (in bulk).	60
8. Fertiliser (in bags).	45
9. Drums (all types).	50
10. All Ore (including trimming) other than at No. 5 K.G. Docks.	45
11. Ore at 5 K.G. Docks.	80
12. Paper, Wood Pulps, etc.	50
13. General Cargo.	35

NOTES.—(1) Individual packages, excluding unitised loads, weighing over five tonnes, will be considered 'heavy lift' cargo. Heavy lift cargo will be time-rated.

(2) When the same gang/hook in the same shift handles more than one type of cargo, payment will be made at the rate applicable to the type, under which the larger/largest percentage of the total cargo falls.

5. **Minimum output per hook per shift.**—The minimum output per hook per shift shall be twice the unit of performance shown in Clause 4, except when work is held up for reasons beyond the control of the workers. All workers shall work for the full duration of each shift.

6. (i) **Payments for outputs at different levels:**

Levels of Output	Payments
(a) One unit	Processing wage (PW.) plus W.B.I.
(b) Two units	(2 × PW) plus W.B.I.
(c) Three units	(3 × PW) plus W.B.I. plus Rs. 2/-.
(d) Four units	(4 × PW) plus W.B.I. plus Rs. 5/-.
(e) Five units	(5 × PW) plus W.B.I. plus Rs. 8/-.
(f) For every unit in excess of 5 units	One additional PW in addition to wages fixed for five units.

NOTE.—W.B.I. means the increase in daily emoluments of a worker as a result of the orders passed by Government on the report of the Wage Board for Port & Dock Workers.

(ii) When the output of a worker is below one unit, except for reasons beyond his control, he will be paid the processing wage. In such cases, i.e. when he is paid only the processing wage, it will be open to him to make a representation to the Dock Labour Board that his low output was due to reasons beyond his control and ask for wages at the one unit level.

(iii) For outputs in excess of complete unit levels, the workers shall be paid *pro rata* at a rate equal to the difference between the completed unit and the next higher unit.

Example.—Unit being worked is 50 tonnes. Output in the shift is 175 tonnes, i.e. 25 tonnes above stage (c). The payment shall be full stage (c) payment plus $\frac{25}{50} \times$ 'difference between (c) and (d), i.e. plus $\frac{25}{50} \times$ (PW Rs. 3/-).

(iv) If work is available for at least half the shift hours, the workers must produce the full unit level output to be entitled to the W.B.I. If work is not available for at least half the shift hours, the workers shall be paid the W.B.I. irrespective of output.

7. **Idle Time.**—Since units of performance have been fixed taking into account the average loss of handling time that is occasioned in the course of stevedoring work at Calcutta, there shall be no separate payment for any idle time.

8. *Determination of Hook Output:* (a) For cargo landed into boats,—the employers will maintain a hook-wise tally of all cargo so landed by Tally Clerks authorised by the Board under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956:

(i) *For packaged cargo upto and including five tonnes*, the Bill of Entry/Manifest Weights shall be the basis for converting the tallied quantities into tonnes.

(ii) *For bulk cargo landed after bagging on board*, the conversion into tonnes shall be governed by Clause 10.

(iii) *For bulk cargo landed in bulk*, the tally shall be of the number of slings and the conversion into tonnes shall be governed by Clause 9.

(b) *For cargo shipped overside from boats*, the employers will maintain hook-wise tally of all cargo so shipped by Tally Clerks authorised by the Board under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956:

(i) *For packaged non-heavy lifts*, the Boat-note/Shipping Bill Weights shall be the basis for converting the tallied quantities into tonnes.

(ii) *For bulk cargoes such as scrap, mill scale etc.*, the tally shall be the number of slings and the conversion into tonnes governed by the Boat-note Tonnage.

(c) *For Cargo Landed Ashores* (i) *In the case of homogeneous packed cargo*, including originally bagged cargo and bulk cargo bagged on board or ashore, the Port Commissioners, on the basis of the connected shore gangs output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the tonnage landed by each hook during each shift. In all such cases when the stack counting is done jointly with the shore gang sirdar and is recorded at the end of the shift by the Calcutta Port Commissioners' staff, a copy of the record shall be made available to the stevedores' representative soon after the end of the shift concerned. For bulk cargo bagged on board or on shore the conversion factor shall be determined as per provisions of Clause 10.

(ii) *In case of miscellaneous or heterogenous general import*, packages upto and including 5 tonnes in weight the Port Commissioners, on the basis of the connected shore gang's output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the periods for which each hook landed such cargo and the total weight of such cargo landed, based on a certificate of landing signed/countersigned by the Officer on duty of the vessel for each shift of work.

(iii) *In case of bulk cargo landed in bulk*.—whenever the number of slings handled by each hook/shift is recorded by the Port Commissioners for each hook/shift, a copy of the record shall be made available to the stevedores' representatives soon after the end of the shift concerned. The Port Commissioners on the basis of the connected shore gangs output shall issue certificates to the Dock Labour Board and stevedore employers showing the tonnage landed by each hook. The conversion of slings into tonnes being governed by the provisions of Clause 10.

(d) *For Cargo Shipped from Shores* (i) *In case of general exports*, the Port Commissioners, on the basis of the connected shore gang's output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the tonnages shipped by each hook on each shift. Such certificates shall show all the details supplied to the Sirdar of the shore gangs and noted in their gang hand-book.

(ii) *In case of Pig Iron, Ores, Scrap and other bulk cargo*, whenever the number of slings handled by each hook and/or the individual number of wagons involved is recorded by the Port Commissioners for each shift, a copy of the record will be made available to the stevedores' representative soon after the end of the shift concerned. The Port Commissioners, on the basis of the connected shore gang's output, will issue certificates to the Dock Labour Board and representatives of stevedores showing the tonnage shipped by each hook/shift, the conversion of slings into tonnes being governed by provisions of Clause 10.

9. *Determination of the total weight of Bulk Cargoes:*—(i) *For shiploads*.—the total weight of cargo on board shall be determined by a draft survey by competent surveyors appointed by ship owners/agents/charterers.

(ii) *For parcel cargoes*, the bill of Landing weight or the Mate's Receipt Weight shall be taken as the total weight.

10. Conversion of Number of Slings/Bags into Tonnes.—(1) For all bulk or bag cargo landed/shipped, excluding cargo not standardised ashore, the total slings landed/shipped by each hook shall be converted into tonnes by the current conversion factor as adopted by the Port Commissioners for shore labour. Whenever it is found that payment has been made incorrectly to an extent greater than 2 per cent, the amounts under-paid or over-paid shall be adjusted pro-rata to/from all the workers concerned.

(ii) For cargo landed in bulk and bagged and standardised ashore the number of bags standardised at each hook multiplied by the standard weight per bag will determine the weight of cargo landed by the hook.

11. Increase in Basic Pay and Allowances.—Increases in daily basic pay and other allowances and the daily component of Dearness Allowances, as may be sanctioned by the Dock Labour Board from time to time, will be added as a differential to the incentive wage of each worker.

12. Night Allowance.—When called upon to work in the second and third shifts, night allowance as prescribed by competent authorities, will be added as differentials to each worker's incentive earnings.

13. Overtime Allowance and Holiday Allowance.—When called upon to work on holidays or do overtime work, all workers will be entitled to holiday and/or overtime allowance as sanctioned by the Dock Labour Board, from time to time, in addition to their incentive earnings under the Scheme.

14. General.—(i) Other conditions of service will remain unchanged.

(ii) The Chairman of the Port, who is also the Chairman of the Dock Labour Board, should appoint a Standing Committee consisting of representatives of the Port Commissioners, Dock Labour Board, Stevedore employers, shore labour and stevedore labour; to go into difficulties that may arise in the day to day working of this Scheme.

(iii) After the Scheme has worked for a year, it should be reviewed by a Committee to be appointed by Government.

INCENTIVE TONNAGE SCHEME FOR SALT WORKERS OF THE PORT OF CALCUTTA

1. Short title and Scope.—(a) The scheme will be called "Incentive Tonnage Scheme for Salt Workers" and hereinafter referred to as "The Salt Scheme".

(b) The Salt Scheme shall apply to the following categories of workers:

All Foremen, Sardar-Supervisors, Winchmen, Slicemen; Chamachiyas and Chapadars, Weighment Incharges, Weighment Supervisors, Weighment Clerks, listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, and amended in December 1962 when employed for handling Salt.

2. Manning Scales per Salt hook/scale.—

Category	FINE SALT		CRYSTAL SALT	
	Union purchase	Swinging Derrick	Union purchase	Swinging Derrick
Foreman	1	per shift for whole ship	1	per shift for whole ship
Sirdar-Supervisors*	3	3	2	2
Winchmen†	2	2	2	2
Slicemen	8	8	**	**
Chamachiyas (Hold)	12	12	12	12
Chamachiyas (Machar)	4	4	4	4
Chamachiyas (Guy)	4	..	4
Chapadars	2	2	2	2
Weighment Clerks††	1	1	1	1
Weighment Supervisors	One per three scales.		One per three scales.	
Weighment Incharge	One per shift for whole ship		One per shift for whole shift	

*Sirdar-Supervisor includes Sig. alls.

**When necessary for breaking up cake crystal salt.

†Relief for Winchmen

††Relief for Weighment Clerks

1 for every 6 working Winchmen.

1 for every 3 working weighment Clerks.

4 Slicemen will be booked normally.

3. Determination of Hook-output.—The output of each hook shall be determined according to the tally of the number of tubs discharged as maintained by the Weighment Clerk employed on the hook.

4. Rates Table.—The rates of payments per worker will be as follows:

Tubs 1 to 150	5.5 paise per tub.
Tubs 151 to 200	6.5 paise per tub.
Tubs 201 and above.	7.5 paise per tub.

5. Computation of Wages.—(a) The wages as determined by application of the above rates table according to output of the hook in number of tubs will be payable to the lowest category of workers, viz. Chamachiya (Hold or Guy). The other categories of workers will be entitled to this amount *plus* the differentials mentioned in the following clauses. In addition, all workers will be entitled to their respective W.B.I.

(b) When the output of a scale is below 150 tubs except for reasons beyond the control of the workers, they will be paid the actual wage earned on the undernoted wages whichever is higher:—

Category	Wages
	Rs.
1. Foreman	11.25
2. Sardar/Supervisor	11.00
3. Winchman	5.75
4. Sliceman	5.75
5. Chamachiya (Machan)	5.19
6. Chamachiya (old & Guy)	5.12
7. Chapadar	5.19
8. Weighment Clerk	9.25
9. Weighment Supervisor	10.25
10. Weighment Incharge	11.25

In such cases i.e. when they are paid only the wages mentioned above it will be open to them to make representation to the Dock Labour Board stating that the low output was due to the reasons beyond their control and ask for payment of W.B.I. also.

(c) W.B.I. means the increase in daily emoluments of a worker as a result of the orders passed by the Government on the report of the Central Wage Board for Port and Dock Workers.

6. (a) Wage differentials of different categories of workers:

Category	Wage differential	W.B.I.
	Rs.	
Foreman	6.13	..
Sardar Supervisor	5.88	..
Winchman	0.63	..
Sliceman	0.63	..
Chamachiya (Machan)	0.07	..
Chapadar	0.07	..
Weighment Incharge	6.13	..
Weighment Supervisor	5.13	..
Weighment Clerk	4.13	..

(b) (i) The Winchmen and Foremen will get an additional differential of Rs. 27/- per shift.

(ii) The Weighment Clerks, Weighment Incharge and Weighment Supervisors will get an additional differential of Re. 1/- per shift.

7. Incentive wages of workers concerned with more than one hook:—(a) The Foreman and the Weighment Incharge will be entitled to the average of the incentive wages applicable to the workers of all the hooks which worked during the shift.

(b) The Weighment Supervisor/s will be paid the average of the incentive wages of the hooks that he/they supervise.

These categories will be entitled to incentive wages provided the Chief Officer/ Officer-on-duty of the vessel certifies that their supervision during the shift has been satisfactory.

(c) The relieving Winchman/men and relieving Weighment Clerks will be paid the average of the incentive wages of the man he/they relieve/s.

8. Night Allowance.—When called upon to work in the second and third shifts, night allowance as prescribed by competent authorities, from time to time, will be added as differentials to each worker's incentive earnings.

9. Idle Time.—There shall be no separate payment for any idle time.

10. Disappointment Money.—The rates and conditions for the payment of Disappointment Money will be as sanctioned by competent authority from time to time.

11. Overtime Allowance and Holiday Allowance.—When called upon to work on holidays or on overtime, all workers will be entitled to holiday and/or overtime allowance as sanctioned by the competent authority from time to time in addition to their earnings under the Scheme.

12. General.—(i) Other conditions of service will remain unchanged.

(ii) The Chairman of the Dock Labour Board, should appoint a Standing Committee consisting of representatives of the Port Commissioners, Dock Labour Board, Stevedore employers, Stevedore labour to go into difficulties that may arise in the day to day working of this Scheme.

(iii) After the Scheme has worked for a year, it should be reviewed by a Committee to be appointed by Government.

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T. S. SANKARAN, Jt. Secy.